

REMARKS

In accordance with the forgoing, no claims have been amended. Claims 49-52 have been withdrawn. Claims 1, 3-17, 19-33 and 35-48 are pending and under consideration.

I. Restriction/Election

Claims 49-52 have been withdrawn.

II. Provisional Rejections

Claims 1, 3-17, 19-33 and 35-48 were provisionally rejected based on obviousness type double patenting as being unpatentable over claims 1-28 of copending U.S. Patent Publication No. 2005/0027327, and over claims 1-30 of copending U.S. Patent Publication No. 2005/0027326. Since these rejections are provisional, they are not addressed at this time.

III. Rejections Under 35 USC § 103

Claims 1, 3-17, 19-33 and 35-48 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Pat. No. 5,769,671 to Lim (**Lim**) or in the alternative **Lim** in view of U.S. Pat. No. 5,275,620 to Darby, et al. (**Darby**). For at least the reasons set forth below, Applicants respectfully assert that the claims of the present invention are patentably distinguishable and the rejection is respectfully traversed.

Lim fails to teach or suggest the limitations of independent claim 1, including a connector assembly for detachably connecting a lead to an implantable medical device, including a connector clip having a first position prior to insertion of a lead and to a second position. In the Office action, it is conceded that **Lim** fails to disclose **a connector clip that includes a first side wall along the first end and a second side wall along the second end, the end of the first arm and the end of the second arm being offset and partially overlapping so that the first side wall is adjacent to and engaged against**

the second side wall when the connector clip is in the first position. See Final Office Action, page 8, paragraph 2.

The Office Action concludes that it would have been obvious to “modify the touching free ends of a clip since it was known in the art that overlapped free ends of a clip, such as a paper clip, provide the predictable results of support and reinforcement.” See Office Action, page 8, paragraph 2. The Applicants submit that it would not be obvious to modify **Lim** in view of a paper clip, and arrive at independent claim 1.

Applicants submit that a paper clip is not **a connector clip that includes a first side wall along the first end and a second side wall along the second end, the end of the first arm and the end of the second arm being offset and partially overlapping so that the first side wall is adjacent to and engaged against the second side wall when the connector clip is in the first position.** The free ends of a paper clip in a relaxed condition (prior to insertion of an object) are not in contact with one another, but rather are separated in the form of nested loops. A paper clip does not have a first position and a second position as claimed by Applicants. Accordingly, one could not combine the teachings of **Lim** in view of a paper clip and arrive at the invention of independent claim 1.

Further, Applicants are not aware of any teachings of using a paperclip in a connector assembly for detachably connecting a lead to an implantable medical device.

Alternatively, the Office Action also concludes that it would have been obvious to **“modify the free ends of the clip as taught by Darby et al. with a overlapping free ends of a connector clip, as depicted in figure 5.”** See Office Action, Page 8, paragraph. 2. The Applicants submit that it would not be obvious to modify **Lim** in view of a Darby, and arrive at the invention of independent claim 1.

Darby fails to disclose a connector clip having a first position and a second position as claimed by Applicants. In particular, **Darby** fails to disclose **a connector clip that includes a first side wall along the first end and a**

second side wall along the second end, the end of the first arm and the end of the second arm being offset and partially overlapping so that the first side wall is adjacent to and engaged against the second side wall when the connector clip is in the first position, and the first arm and the second arm being partially spread apart so that the ends are non-overlapping and aligned so that the first end abuts the second end and the first side wall is not adjacent to and engaged against the second side wall when the connector clip is in the second position.

In contrast, in **Darby** the "strips 12 and 14 resiliently coupled together so that respective holes 24 and 36 are slightly misaligned. Compression of strips 12 and 14 relative to each other causes alignment of holes 24 and 36 so that ...[the] electrode tip may be inserted." See col. 4, lines 49-54. Accordingly, one could not combine the teachings of **Lim** in view of **Darby** and arrive at the invention of independent claim 1.

Further, the connector clip disclosed by **Darby** in Figure 5, as referenced in the Office Action, illustrates the insertion of the lead parallel to the clip, not perpendicular, as in **Lim**. Insertion of the lead parallel to the clip would render the spring of **Lim** inoperable. As such, **Lim** and **Darby**, either alone or in combination, fail to teach or reasonably make obvious the limitations of independent claim 1.

Independent claim 1 also includes **a housing mounted within the connector block, the housing having a first annular member and a second annular member, the first member formed to be fixedly engaged with the second member to form an aperture in alignment with the connector port to receive the lead proximal end along the insertion axis, the connector clip being enclosed within the housing, wherein the connector clip is positioned within one of the first member and the second member while in the second position.** **Lim** does not teach or reasonably make obvious a housing as claimed by Applicants.

In view of the above, Applicants submit that one could apply the teachings of **Lim**, either alone or in combination with a paper clip or **Darby**, and arrive at the present invention of independent claim 1.

For similar reasons, Applicants also believe independent claims 17 and 33 to also be allowable over the art of record.

Dependent claims 3-16, 19-32 and 35-48 depend either directly or indirectly upon corresponding independent claims 1, 17 and 33. Applicants believe these dependent claims, in combination with corresponding independent claims 1, 17 and 33, to also be allowable over the art of record.

In view of the above, Applicants respectfully requests reconsideration and withdrawal of the above rejection of claims 1, 3-17, 19-33 and 35-48 under 35 U.S.C. § 103(a).

IV. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone either Reed Duthler at (763) 526-1564 or Steven E. Dicke at (612) 573-2002 to attend to these matters. In addition, all correspondence should continue to be directed to the following address:

**MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MINNEAPOLIS, MN 55432-9924**

Respectfully submitted,

LAHTI, Jay,

By his attorneys,
DICKE, BILLIG & CZAJA, PLLC
Telephone: (612) 573-2002
Facsimile: (612) 573-2005

Date: **April 3, 2009**
SED:AM:uw

/Steven E. Dicke/
Steven E. Dicke
Reg. No. 38,431